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C O N F I D E N T I A L SECTION 01 OF 02 MINSK 001276

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [BO](#)

SUBJECT: OPPOSITION PARTY LEADER FENDS OFF JAIL SENTENCE

REF: A. MINSK 1273

[1](#)B. MINSK 1235

Classified By: Charge Jonathan Moore for reason 1.4 (d).

Summary

[1](#)1. (C) A Minsk judge suspended indefinitely the trial of opposition party leader Anatoliy Lebedko, whom authorities had charged with "minor hooliganism" for his participation in a December 10 World Human Rights Day demonstration, for lack of credible evidence. During his spirited self-defense, Lebedko criticized the Lukashenko regime for rigging Belarus' March 2006 presidential elections and its imprisonment of former opposition presidential candidate Aleksandr Kozulin and employed photographic evidence to discredit police witnesses. End summary.

Lebedko Appears Defiant, Supporters WaryQ

[1](#)2. (SBU) On December 12, opposition United Civic Party (UCP) Chair Anatoliy Lebedko surrendered himself to authorities at Minsk's Tsentralnyi Region police station to answer a charge of "minor hooliganism," an administrative charge which carries up to 15 days in jail, in connection with his participation in a December 10 World Human Rights Day demonstration in Minsk's October Square (ref A). As the authorities transported Lebedko to the regional courthouse, Poloff witnessed Lebedko press against the windows of the police vehicle photographs of GOB riot police violently dispersing the December 10 rally. UCP Deputy Chair Lyudmila Gryaznova expressed concern to Poloff that the authorities would stiffen a possible sentence by adding jail time for a similar offense with which Lebedko had been charged shortly after Belarus' March 2006 presidential elections. Outside the police station, Lebedko and several senior UCP members and human rights activists expressed their gratitude to Poloff for the Embassy presence.

Lebedko Comes Out Swinging

[1](#)3. (U) When Judge Aleksey Bychko opened the hearing by asking Lebedko why he had refused legal counsel, Lebedko retorted that defense counsel was not necessary since the judge had a reputation for rendering politically motivated decisions. Lebedko cited as proof the judge's decision on the previous day to exclude video evidence offered by youth opposition leader Oleg Korban, whom the judge had sentenced to fifteen days in jail for his participation in a separate demonstration on December 00. Lebedko insisted that his arrest was politically motivated and predicted that the court proceedings would be no less so.

¶4. (U) The judge appeared angry but did not interrupt Lebedko's lengthy opening statement in which the party leader foted that President Lukashenko admitted to falsifying Belarus' March 2006 election results (ref B). Lebedko maintained that he and other opposition activists had assembled peaceably in October Square to protest the regime's admitted election fraud and to express solidarity with imprisoned former opposition presidential candidate Aleksandr Kozulin. He insisted that pro-GOB "provocateurs in black leather" had posed as opposition activists and initiated violence as a pretense for a police crack down.

Turning Tables on the GOB

¶5. (U) After the judge refused Lebedko's request to call activists Aleksandr Belyatskiy and Valentin Stefanovich as eye witnesses, two police officers, Igor Bozhok and Vladimir Bobusko, testified separately that they had arrested Lebedko after he allegedly shouted obscenities at them and attempted to incite opposition demonstrators to violence. Upon Lebedko's cross examination, however, Bozhok and Bobusko contradicted themselves and each other regarding the number and location of demonstrators and were unable to recall what obscenities Lebedko ostensibly used. Bobusko claimed that Lebedko had called him a fascist, which Lebedko freely admitted, but conceded that Belarusian law did not classify the word "fascist" as obscene.

¶6. (U) Lebedko also confronted Bozhok and Bobusko with photographs that showed that they were not among those who arrested him. After Bobusko dismissed the photographs as

MINSK 00001276 002 OF 002

doctored, Lebedko presented the judge with a video cassette of his arrest as further evidence. After a short recess, the judge did not admit the cassette but suspended the trial indefinitely so that the authorities could "further examine its documentation." Upon hearing the judge's decision, UCP Election Coordinator Anatoliy Pavlov loudly and rhetorically asked, "When the prosecution fails to prove its case, doesn't that require an acquittal?" Visibly frustrated, the judge instructed Pavlov to be silent and exited the courtroom.

Lebedko Calls for Leaderless Opposition

¶7. (SBU) After turning to Poloff again to thank the Embassy for observing the hearing, Lebedko told independent media present at the trial that he was thankful to remain free to lead his party during the upcoming local elections and subsequent congress of opposition forces. However, after praising opposition leader and 2006 presidential candidate Aleksandr Milinkevich, who was in Strasbourg to accept the EU's Sakharov Prize, Lebedko insisted that the congress should not elect a single coalition leader.

Comment

¶8. (C) Dubious prosecution witnesses and refusals to admit defense evidence are common GOB tacticc in judicial repression of Belarusian opposition and human right3 activists. In this 3ense, Lebedko's trial was not unusual. However, the judge's decision to suspnd the base is surpbising; perhaps the judiciary - if not the regime - is trying to downplay their response to public opposition activity.
Stewart